



An
Coimisiún
Pleanála

Inspector's Report

ACP-323770-25

Development	4 townhouses and associated site works.
Location	12 & 13 Pairc Bhride, Athy, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460893
Applicant(s)	Derek Hennessy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Marie McCafferty
Observer(s)	None
Date of Site Inspection	24 th January 2026

Inspector

Colin McBride

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: Preliminary Examination

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.097hectares is located to the west of Athy town centre and on the northwestern side of Pairc Bhríde, which is an established residential area of the town. The site is currently a vacant plot, which at some point would have been split in two and formed the side of gardens of no.s 12 and 13, which are located to the southwest and northeast respectively. The existing dwellings either side of the site consist of two-storey terraced dwellings. To the northwest of the site is a vacant plot characterised by grassland and vegetation. The boundary of the site is defined by a wall and railings along the roadside boundary, a wooden fence along the southwestern boundary with no. 12, trees/hedgerow along the northwestern boundary and a block wall along the northeastern boundary with no. 13.

2.0 Proposed Development

2.1. Permission is sought to construct 4 no. three-bedroom townhouse style dwellings, form connections to public services including foul water sewer, surface water sewer and watermains, together with all associated site works, including replacement of 2 no. existing trees located in the grass margin fronting the site. Each dwelling has a floor area of 87.4sqm, a ridge height of 7.743m, features a pitched roof and external finishes of smooth render and dark grey roof tiles. Each dwelling has vehicular access off the public road with off-street car parking for one two cars. There is provisions of a bin/bike storage structure to front of two of the dwellings, dwelling B and C.

2.2. A number of revisions were made in response to further information. These include changes to the first-floor plan to ensure all bedrooms meet the required standards. Alteration to the proposed vehicular entrances and relocation of the bin/bike storage away from the public road to improve sightlines and details of surface water drainage including soakaways in the rear garden and an acco drain along the site frontage. Ther are also proposals to amend the junction of Fortbarrington Road and Pairc Bhríde with reduced corner radii and pedestrian priority crossing.

3.0 Planning Authority Decision

3.1. Decision

Permission granted based on 20 conditions. Of note are the following conditions:

Condition no. 2: Part V condition.

Condition no. 10: Sightlines at vehicular entrances to be as per DMURS.

Condition no. 14: Provision of dual EV charge points.

Condition no. 18: Landscaping to be carried out in accordance with site layout plan submitted on the 21/02/25.

3.2. Planning Authority Reports

3.2.1 Planning Report (30/10/24):

- Further information required including revisions to ensure third bedroom meets minimum floor area standards, details of surface water drainage, details of communications with the ESB , show provision of EV charging, demonstrate compliance with DMURS sightline standards, clarify locations for use of SuDs drainage, clarify the surface finish of footpaths and driveways and propose measures to reduce corner radii at existing junction between Pairc Bhríde and Fortbarrington Road.

3.2.2 Planning Report (14/03/25):

- Clarification of further information required including clarify details regarding surface water drainage, demonstrate that agreement is in place with ESB networks, address concerns regarding location of bin and bike store in relation to impact on sightlines and submission of elevation drawings of front boundary treatment.

3.2.3 Planning Report (03/09/25):

- The proposal was considered to be satisfactory in terms of design, scale and traffic impact. The proposal was considered to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.3. Internal Reports

3.3.1 Housing Section (10/09/24): Exemption certificate supplied and completed.

3.3.2 Environment Section (20/09/24):

- No objection subject to conditions.

3.3.3 Building and Development Control (14/10/24):

- No objection subject to conditions.

3.3.4 Athy Municipal District Engineer (15/10/24):

- Further information required including details of entrances, details of communications with the ESB and details to prevent surface water from crossing the public footpath.

3.3.5 Roads, Transportation and Public Safety (24/10/24)

- Further information required including evidence of consultation with the ESB, show provision of EV charging facilities, demonstrate sightlines in accordance with DMURS, clarify locations of SuDs drainage, clarify surface finishes of footpaths and driveways and propose measures to reduce corner radii at existing junction between Pairc Bhríde and Fortbarrington Road.

3.3.6 Environment (Water Services) Department (30/10/24):

- Further information required including proposals for discharge of surface water.

3.3.7 Athy Municipal District Engineer (04/03/25):

- No objection subject to conditions.

3.3.8 Transport, Mobility and Open Spaces (05/03/25):

- Clarification of further information including demonstration of agreement with the ESB.

3.3.9 Water Services (27/02/25):

- Clarification of further information required including surface water proposals including provision of a soakaway in the rear gardens.

3.3.10 Water Services (14/08/25):

- No objection subject to conditions.

3.3.11 Athy Municipal District Engineer (18/08/25):

- No objection subject to conditions.

3.3.12 Building and Development Control (18/08/25):

- No objection subject to conditions.

3.3.13 Transport, Mobility and Open Spaces (26/08/25):

- No objection subject to conditions.

3.4. Prescribed Bodies

None.

3.5. Third Party Observations

One submission:

- Concerns regarding architectural compatibility, impact on privacy, inappropriate use of an address for purposes of the planning application, traffic impact, asbestos, water supply issues, loss of open space and trees.

4.0 Planning History

No planning history on the appeal site.

5.0 Policy Context

5.1. Development Plan

Athy Local Area Plan 2021-2027

The site is zoned B: Existing/Infill Residential with a stated objective 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

Kildare County Development Plan 2023-2029

Chapter 3: Housing

HO O6: Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

HO P6: Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Table 3.1 Appropriate Density levels as per the Sustainable Residential Development in Urban Areas-Guidelines for Planning Authorities, DEHLG (2009).

Larger Towns (Population > 5,000)

Inner suburban/infill: 30-50 units per ha.

Outer Suburban/'Greenfield': 30-50 units per ha.

Chapter 5: Development Management Standards

Table 15.2 Private Open Space

Three-bedroom: Minimum 60sqm

Table 15.8 Maximum Car Parking Standards

House: 1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater.

Chapter 12: Biodiversity & Green Infrastructure

BI P6: Recognise the important contribution trees and hedgerows make to the county biodiversity resource climate mitigation, resilience and adaptation.

5.2. Natural Heritage Designations

River Barrow and River Nore SAC (Site Code 002162) located 485m to the east.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment, and I would refer to Form 1 and Form 2, in Appendix 1 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A third-party appeal has been lodged by Marie McCafferty. The grounds of appeal are as follows.

- The site lies below or adjacent ESB high voltage transmission lines with a lack of assessment of long-term safety, health and clearance implications.
- The development is overdevelopment of the site, excessive in density and out of character with existing low-density pattern of development.
- The proposal entails removal of existing trees and green frontage with an adverse impact on biodiversity and local amenity. The County Development Plan commits to the protection of green infrastructure and integration of biodiversity into residential areas.
- Adverse traffic impact with the provision of new access points off the public road in conjunction with increased traffic generated at a sensitive location.

The bin/bike storage may still compromise sightlines and cumulative effect of development would cause road safety hazard at this location.

- Provision for surface water management is inadequate with soakaways unsuitable due to small plot sizes and risk of flooding and groundwater issues.
- The applicant failed to secure a valid Section 97 exemption certificate. Despite imposition of a part V condition the application was premature and invalid at the time of lodgement.
- There was a failure to address the concerns raised in the appellant's initial submission in particular regarding use of no. 12's address for the planning process, historical issues with asbestos dumps and lack of appropriate surveys and impact of the proposal on the privacy of no. 12.

7.2. Planning Authority Response

Response by Kildare County Council.

- The proposal has no undue impact on residential amenity. The Planning Authority confirms their decision.

7.3. Applicants Response

No response.

7.4. Observations

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Principle of the proposed development

- Physical Impact/density, pattern of development/adjoining amenity
- Impact on existing trees and hedgerow
- Other Issues

8.2. Principle of the proposed development:

8.2.1 The proposal is to construct 4 no. townhouses on an infill site at Pairc Bhríde. The site is currently a piece of waste ground located between no. 12 and 13 Pairc Bhríde and previously was part of the curtilage of both no. 12 and 13 (side gardens, confirmed by google street view from 2009). The site is zoned B, Existing/Infill Residential with a stated objective 'to protect and/or improve residential amenity'. The proposal for residential use would be compliant with the zoning objective for existing residential and in an area characterised by existing residential development. The principle of the proposal would be acceptable at this location.

8.3. Physical Impact/scale, height/pattern of development/adjoining amenity:

8.3.1 One of the main issues raised in the appeal relates to the fact the proposal would be overdevelopment of the site, excessive in density and out character with the existing architectural character and pattern of development in the area. As noted above the site is an infill site that was formerly split into the side gardens associated with no. s 12 and 13 which are located to the southwest and northeast of the site. The proposal is for a terrace of 4 no. two-storey dwellings. The proposed dwellings conform to established pattern of development in terms of the fact the dwellings are two-storey terraced dwellings similar in scale to the existing dwellings at this location, the proposed dwellings conform to the established building line, orientation and ridge height set by the existing dwelling on either side of the site. I am satisfied that the proposal has significant regard to the established architectural character and pattern of development and provides for a development that would not be out of character or visually incongruous at this location.

8.3.2 In terms of density the proposal is for 4 no. dwelling s on a site of 0.097hectares in area yielding a density of 41 units per hectare. Having regard to the established pattern of development in the area, which is terraced dwellings with similar plot sizes

and footprints to the dwellings proposed on site, the density proposed is similar to the established residential density in the area. In addition, I would note that the density is within the density ranges for this location specified under Table 3.1 of the County Development Plan. The Sustainable Compact Settlements: Guidelines for Planning Authorities (Table 3.3 Areas and Density Ranges-Metropolitan Towns and Villages) also indicate a recommend density range of 35-50dph for Metropolitan Towns (>1,500 population)-Suburban /Urban Extension, which would apply to this location. The proposed density is in keeping with established pattern of development, local policy and national guidelines for this location.

- 8.3.3 In addition the proposal conforms to the development control standards for housing recommended under Section 5.0 of the Compact Settlement Guidelines. In particular I would highlight SPPR 2 of the guidelines under which a minimum standard of 40sqm private open space for three-bedroom dwellings is identified. All dwelling have in excess of this amount of private open space with the smallest garden of the four dwellings having a rear garden of 94.2sqm. SPPR 3 in relation car parking identifies a maximum rate of 2 car parking spaces per dwelling in intermediate and peripheral areas and in this case there is provision of the maximum rate with each dwelling having two off-street car parking spaces. In addition, I would note that the dwellings meet the development control standards for both private open space and off-street car parking under the Kildare County Development Plan.
- 8.3.4 The appellant also raised the issue of impact on privacy of the dwelling, which is no. 12 located to the southwest of the site. As outlined above the proposed dwellings conform to the established patterns of development in terms of footprint, orientation, building lines and ridge height. Having regard to this fact, I am satisfied that the proposal would have no undue adverse impact on the residential amenities of either dwelling adjoining the site in terms of loss of privacy or light. The proposed dwelling provides for continuation of a well-established and common urban pattern of development at this location and the proposal would be satisfactory in terms of its overall impact on existing residential amenities at this location.
- 8.3.5 I would consider that overall proposal would be satisfactory in the context of the visual amenities of the area, the existing pattern of development and the residential amenities of adjoining property.

8.4 Traffic:

8.4.1 The proposal is located on the northwestern side of Pairc Bhríde, which is a residential street. The proposal entails provision of 4 no. townhouses with each dwelling having an individual entrance and off-street car parking for two cars. During the course of the application the applicant was requested to demonstrate that sightlines are in accordance with the Design Manual for Urban Roads and Streets.

8.4.2 The approved layout provides for each dwelling having an individual vehicular access point. The existing public road is a residential road within Pairc Bhríde a housing area that features no through road and is characterised by cul-de-sacs. The alignment of the public road is straight at this location and the public road features a 6m carriageway with a 2m and 1.2m grass verge along site frontage. The pattern of development at this location is that most of the existing dwellings feature individual access points and driveways. Given the site is in housing area, it is within the 30km/h speed limit zone. The applicant has demonstrated that the approved development layout provides visibility of at least 23m in each direction. Which is compliant the Stopping Sight Distances (SSD) standards under Table 4.3 of the Design Manual for Urban Roads and Streets for roads with a design speed of 30km/h. I would also note that the revised layout has relocated the bin/bike storage structures on site so as not to impact on sightlines.

8.4.3 I am satisfied that having regard to the alignment of the public road, the fact the site is in a residential area that does not provide through access for the traffic, the design and layout is adequate to facilitate the traffic movements likely to be generated without creating any public safety issues or resulting a traffic hazard. In relation to the level of traffic likely to be generated and cumulative impact, the proposal is for 4 no. dwellings on an infill site. I would be of the view that the level of increase in traffic would be modest and would be similar in nature to the existing type of traffic in this area. In addition, the site is located in an area that is in close proximity to the town centre meaning there is not total dependency on vehicular traffic. The proposed development would be acceptable in terms of traffic safety and convenience.

8.4.4 It is notable that the applicant was requested by way of further information to provide proposals to upgrade the entrance junction to Pairc Bhríde onto Fortbarrington

Road by reducing the corner radii to between 4.5m to 6m to better comply with the Design Manual for Urban Streets and Roads. The applicant has provided a drawing indicated this upgrade (Drawing no. 1980-301) with the final layout and design to be agreed with the Municipal District Engineer.

8.5 Impact on existing trees and hedgerow:

8.5.1 The appellant raises concerns regarding the impact of proposal on existing trees located along road frontage of the site noting that development plan policy commits to protecting green infrastructure and integration of biodiversity in residential areas. There are two existing trees located along the road frontage of the site in the existing grass verge. It is proposed to remove these trees to facilitate the proposal, however landscaping proposal entails planting of two new trees native birch trees.

8.5.2 I would consider that the appeal site is an appropriate site for new residential development being an infill site on zoned and serviced land and that the proposal would be in accordance with the objectives of the County development Plan and Local Area Plan in terms facilitating residential development at appropriate locations. I would consider that the loss of the two existing trees is unavoidable if this site is to be developed for the purposes of residential development with off-street car parking, which is appropriate in this case given the location and pattern of development. Notwithstanding the fact that Development Plan policy identifies retention of existing trees and hedgerow as desirable, I would consider that such is unavoidable in this case if development of the site is to be facilitated. In addition I would note that the trees in question are not subject to a Tree Preservation Order (TPO) and that the proposal does entail the planting of two new trees in the verge in positions that will facilitate appropriate access to the dwellings.

8.5.3 I consider that in the interest of the proper planning and sustainable development of the area, the loss of the two existing trees is acceptable and will facilitate an appropriate level and form of development at this location.

8.6 Other Issues

- 8.6.1 The appellant has raised the issue of the high voltage transmission lines crossing the site and the lack of assessment of long-term safety, health and clearance implications. During the processing of the application the applicant was requested to demonstrate that consultation with ESB networks has taken place. In response the applicant has submitted correspondence from the ESB Networks that indicates that the 38kV medium voltage overhead line will be diverted to accommodate the proposed development. ESB Networks will commence the design of the diversion/alteration upon receipt of successful grant of permission.
- 8.6.2 ESB Networks have confirmed that the line will be subject to diversion if permission is granted for the proposed development. In this regard, I am satisfied there are no issues regarding the impact of the electrical line.
- 8.6.3 The appellant raised concerns regarding the proposal for surface water drainage, in particular the use of soakaways to the rear of the proposed dwellings with concerns regarding flooding. The surface water drainage proposals were subject to requests for further information and clarification of further information from the Water Services Section of the Council. The Water Services Section have indicated that the proposal for surface water drainage area acceptable. Having regard this fact taken in conjunction for SuDs drainage measures, I am satisfied that proposal would be satisfactory in the context of surface water drainage.
- 8.6.4 The appellant has raised the issue that the address used for the permission is no. 12 Pairc Bhrde, which is the appellant's address with validation issues raised. The address used for the application is 12 & 13 Pairc Bhrde. The existing site is a vacant site located between no. 12 and 13 with a wooden fence separating no 12 from the site and a block wall between the site and no. 13. The site was formerly split in two with half of it within the curtilage of no. 12 and half within the curtilage of no. 13 meaning the site is made up of two areas that were formerly the side gardens of the existing dwellings either side of the site (this is confirmed by examining google street view image from May 2009). In this regard I would be of the view that the address given by the applicant for the site is accurate with no validation issues arising.
- 8.6.5 The appellant raised concern regarding the possibility that the site might be impacted by asbestos, noting historic issues with asbestos dumps in the Athy area and the proximity of Pairc Bhrde to a former asbestos factory. I would refer to the fact that

the appeal site was previously split into two and incorporated into the curtilage of both numbers 12 and 13 in form of side gardens serving these dwellings. I do not consider that the appellant has provided any evidence to demonstrate that this issue is one of substance or a reason to prevent consideration of development on the appeal site.

8.6.6 The appellant raises validation issues concerning Part V. In relation to Part V, the application form indicates that an application for a Certificate of Exemption is being submitted along with the application. Developments of 4 or fewer houses on land of less than 0.10 hectares may be able to obtain an exemption certificate by applying the planning authority before applying for permission (section 97(3)) of the Planning and Development Act with no provision legislation for an exemption certificate after planning permission has been applied for or granted. The Housing Section reports indicate that a completed application for an Exemption Certificate has been received. It is not clear whether an Exemption Certificate (such has been applied for based on information on file) has been granted with the grant of permission including a standard Part V condition requiring the applicant to enter into an agreement with the PA under Section 96 of the Planning and Development Act, or unless has applied for and been granted and Exemption Certificate for the development is a development to which Part V does not apply. I would consider that application of a standard Part V condition similar in nature to that applied by the Council is sufficient in this regard and there are no outstanding validation issues.

8.6 Conclusion:

8.6.1 I am satisfied that the nature and scale of the proposal is such that it would have no adverse impact in terms of pattern of development, visual amenity and adjoining amenity. The proposed development provides for 4 no. new dwellings that meet the relevant standards for such in terms of qualitative and quantitative standards. The proposed development would be acceptable in terms of the proper planning and sustainable development of the area.

9.0 AA Screening

I have considered the proposal for the construction of 4 no. townhouses and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within a suburban residential area on the western side of Athy on a serviced site approximately 485m east of the nearest Natura 2000 site, the River Barrow and River Nore SAC (Site Code 002162), which is the nearest European Site(s).

The proposed development comprises construction of 4 no. townhouses and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works are small scale in nature.
- Site is a serviced site with proposal to connect to existing drainage infrastructure.
- Location-distance from nearest European site and lack of connections.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive Screening

- 10.1. The subject site is located in within a suburban area of Athy on a serviced site. The proposed development comprises construction of 4 no. townhouses on an infill site within an existing residential area. The nearest waterbody is a River Waterbody,

Grand Canal Barrow Line (Barrow), (IE_14_AWB_GCBL) located approximately 100m to the northeast of the site.

- 10.2. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposal for a 4 no. new dwellings and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:

Nature of the works, which are small scale being construction of 4 no. dwellings on an infill serviced site in an established residential area.

Location/distance from the nearest water bodies and/or lack of hydrological connection.

11.0 Recommendation

- 11.1. I recommend a **grant** of permission for the construction of 4 no. town houses and all associated site and development works at no.s 12 & 13 Pairc Bhríde, Athy, Co. Kildare.

12.0 Reasons and Considerations

Having regard to the residential land use zoning objective pertaining to the site as indicated in the Athy Local Area Plan 2021-2027, the policies and objectives of Kildare County Development Plan 2023-2029, the established the nature, scale and design of the proposal, the separation distances between the proposed development and existing neighbouring dwellings, the orientation of the development on the site relative to existing neighbouring dwellings, it is considered that, subject to

compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of the area by way of overlooking, overshadowing or overbearance, would not adversely impact on the visual amenities of the receiving environment and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would be consistent with national, regional and local planning policies and objectives supporting compact urban growth, densification and intensification of use of existing built-up serviced, zoned lands. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the application on the 21st day of February 2025 and on the 07th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/structures/buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on

Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: in the interest of public health.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Eireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: in the interest of public health and to ensure adequate water and wastewater facilities.

6. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. Prior to occupancy of any dwelling on the subject site, the Developer shall liaise with the Athy Municipal District Engineer and arrange for the completion of the following: (a) the Fortbarrington Road/ Pairc Bhride junction pedestrian priority work and (b) the dished footpaths at the vehicle entrances, as shown on drawing '1980-301 Revision A', received by the Planning Authority on 21/02/2025. The Developer

shall be liable for all costs associated with this work. These works shall be completed to the satisfaction of the Athy Municipal District Engineer.

Reason: In the interest of road safety and to cater for the development.

8. Prior to the commencement of development, the Developer shall liaise with the ESB Networks regarding the proposed diversion of the powerlines traversing the site.

Reason: In the interest of orderly development and to cater for the development.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme

made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanala to determine the proper application of the terms of the Scheme.

Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Senior Planning Inspector

27th January 2026

Appendix 1

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ACP-323770-25
Proposed Development Summary	Construction of 4 no. townhouses and associated site works.
Development Address	12 & 13 Pairc Bhríde, Athy, Co. Kildare.
In all cases check box/or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here.
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road ABP-320781-	

24 Inspector's Report Page 23 of 32 development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Class 10(b)(i) Construction of more than 500 dwelling units

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 – EIA Preliminary Examination

Case Reference	ACP-323770-25
Proposed Development Summary	Construction of 4 no. townhouses and associated site works.
Development Address	12 & 13 Pairc Bhríde, Athy, Co. Kildare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	

<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The development proposed is the construction of 4 no. townhouses on a vacant plot within an established residential area of Athy. The proposal is acceptable in design and scale, is located adjacent to existing residential development and is not out of context at this urban location and will not give rise to any significant waste or pollutants. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster and presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development is situated on zoned and serviced lands in a densely populated suburban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Kildare County development Plan 2023-2029.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed development, its location relative to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment</p>	<p>EIA is not required.</p>

Inspector: _____

Date: _____